

FILED
JAMES BONINI
CLERK

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

07 DEC 10 PM 1:51

Reginald Mitchell
1950 Goodman Ave. Apt. 1
Cincinnati, OH 45239

Plaintiff,

v.

Bonded Credit Bureau, Inc. d/b/a
DRS/Bonded Collection Systems
c/o Donald D. Wood, Jr., Registered Agent
6906 Plainfield Rd
Cincinnati, OH 45236

Defendant.

CASE NO.: **1107 CV 998**

JUDGE: **J. DLOTT**

**COMPLAINT FOR DAMAGES
UNDER THE FAIR DEBT
COLLECTION PRACTICES ACT
AND OTHER EQUITABLE RELIEF**

JURY DEMAND ENDORSED HEREIN

JURISDICTION AND VENUE

1. Jurisdiction is founded on 28 U.S.C. §1331 pursuant to the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. §1692. Venue is proper in this district because this is the judicial district where all of the events giving rise to the cause of action took place.

FACTS COMMON TO ALL COUNTS

2. The Plaintiff is a person who incurred a consumer debt primarily for personal, family or household purposes.
3. Defendant is a corporation doing business primarily as a consumer debt collector.
4. Defendant is a debt collector as defined by the FDCPA, 15 U.S.C. §1692a(6).
5. The Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3).
6. The debt in question qualifies as a "debt" as defined by 15 U.S.C. §1692a(5).

7. Defendant is either the holder of the debt or was retained by the current holder to collect the debt.
8. On or around August 21, 2007, during a telephone communication, Defendant told Plaintiff that Defendant would garnish Plaintiff's wages if Plaintiff did not satisfy the debt.
9. On or around September 17, 2007, during a telephone communication, Defendant again told Plaintiff that Defendant would garnish Plaintiff's wages if Plaintiff did not satisfy the debt.
10. At the time of the above communication, Defendant had not obtained a judgment against Plaintiff.
11. Plaintiff is emotionally distraught and has been compelled to hire counsel to prosecute this action.
12. Defendant has damaged Plaintiff emotionally and mentally and has caused substantial anxiety and stress.
13. Defendant violated the FDCPA.

COUNT ONE

Violation of the Fair Debt Collections Practices Act

14. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
15. The Defendant violated 15 U.S.C. §1692f in that its actions were unfair and/or unconscionable means to collect a debt.

COUNT TWO

Violation of the Fair Debt Collections Practices Act

16. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
17. The Defendant violated 15 U.S.C. §1692e by making misrepresentations during its conversations with Plaintiff.

COUNT THREE

Violation of the Fair Debt Collections Practices Act

18. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
19. The Defendant violated 15 U.S.C. §1692e, generally, by having non-attorneys overtly state that they could control the decision to litigate and the timing and scope of the litigation, when in fact this would be an attorney decision.

COUNT FOUR

Violation of the Fair Debt Collections Practices Act

20. Plaintiff incorporates each of the preceding allegations as if specifically stated herein.
21. The Defendant violated 15 U.S.C. §1692e in that it threatened legal action where such action was not contemplated, and stated for the sole purpose of terrifying the Plaintiff.

JURY DEMAND

22. Plaintiff demands a trial by jury.

PRAYER FOR RELIEF

23. Plaintiff prays for the following relief:
- a. Judgment against Defendant for actual damages, statutory damages pursuant to 15 U.S.C. §1692k and costs, and reasonable attorney's fees pursuant to 15 U.S.C. §1692k.
 - b. For such other legal and/or equitable relief as the Court deems appropriate.

RESPECTFULLY SUBMITTED,

Macey & Aleman, P.C.

By: _____


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